

## TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.

19134

In Re Application of: Glen Crofskey, et al.

| Application No. | Filing Date        | Examiner   | Customer No. | Group Art Unit | Confirmation No. |
|-----------------|--------------------|------------|--------------|----------------|------------------|
| 10/551,828      | September 30, 2005 | Unassigned | 23389        | Unassigned     | Unassigned       |

Title: PROTEIN POWDER COMPOSITION

## Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of \_\_\_\_\_ is attached.
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March 17, 2006

(Date)

Signature of Person Mailing Correspondence

Edward W. Grolz

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Signature

Dated: March 17, 2006

Edward W. Grolz  
Reg. No. 33,705

EWG/cl

CC:

PCT

|   |                     |
|---|---------------------|
| <b>TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT</b><br>(Under 37 CFR 1.97(b) or 1.97(c)) | Docket No.<br>19134 |
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| 10/551,828      | September 30, 2005 | Unassigned | 23389        | Unassigned     | Unassigned       |

Title: **PROTEIN POWDER COMPOSITION**

Address to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**37 CFR 1.97(b)**

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:
- ☐ the statement specified in 37 CFR 1.97(e);
- OR**
- ☐ the fee set forth in 37 CFR 1.17(p).

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                      |                               |                   |                |
|----------------------|-------------------------------|-------------------|----------------|
| <b>Applicant(s):</b> | Glen Crofskey, et al.         | <b>Examiner:</b>  | Unassigned     |
| <b>Serial No.:</b>   | 10/551,828                    | <b>Art Unit:</b>  | Unassigned     |
| <b>Filed:</b>        | September 30, 2005            | <b>Docket:</b>    | 19134          |
| <b>For:</b>          | PROTIEN POWDER<br>COMPOSITION | <b>Conf. No.:</b> | Unassigned     |
|                      |                               | <b>Dated:</b>     | March 17, 2006 |

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**INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 C.F.R. §§1.56, 1.97 and 1.98**

**Sir:**

Applicant, in order to meet their duty of disclosure, set forth at 37 C.F.R. §1.56, submit herewith those references which they deem relevant to the claims of the present application.

The relevant references are as follows:

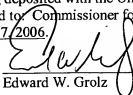
1. EP 1 338 210 dated August 27, 2003
2. U.S. Patent No. 6,221,419 dated April 24, 2001 (to Timothy C. Gerrish)
3. U.S. Patent No. 4,391,830 dated July 5, 1983 (to Gudnason et al.)

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 17, 2006.

**Dated:** March 17, 2006

  
Edward W. Grolz

4. Glahn, P.E. et al., Food Ingredients Europe, Conference Proceedings: 252-256 (1994) "Casein-Pectin Interaction in Sour Milk Beverages"
5. U.S. Patent No. 4,289,789 dated September 15, 1981 (to Stanley D. Cajigas)
6. Rasic, Jeremija LJ., Yoghurt: Scientific Grounds, Technology, Manufacture and Preparations: 293-296 (1978)

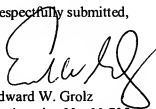
It is noted that references 1 through 3 identified above were cited in the international search report regarding the subject applications corresponding international application. Although a copy of the search report was provided with the filing of this application, a further copy is enclosed for the convenience of the Examiner. The remaining references identified above, i.e. references 4 through 6, are cited in the subject specification.

Applicants respectfully request that the above-mentioned references be made of record in the file of the present application. To that end, applicants submit herewith the aforementioned references and the completed Form PTO-1449, setting forth these references. Please note that in accordance with the waiver of 37 C.F.R. § 1.98 (a)(2), applicants are not required to submit copies of cited U.S. Patent references. However, applicants are submitting copies of the above-cited non-U.S. references and non-patent publications.

Applicants submit that the filing of this Information Disclosure Statement is prior to the issuance of an Office Action on the merits of the subject application. Therefore, no Declaration or fee is required to effect the filing of this Information Disclosure Statement.

Consideration of this Information Disclosure Statement is respectfully requested,  
since the information provided herein may be material to the patentability of the subject  
application as defined in 37 C.F.R. §1.56.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edward W. Grolz', is written over the typed name and registration number.

Edward W. Grolz  
Registration No. 33,705

SCULLY, SCOTT, MURPHY & PRESSER, PC  
400 Garden City Plaza  
Suite 300  
Garden City, New York 11530  
(516) 742-4343

EWG/cl

|  |  |   |
|--|--|---|
| <b>INFORMATION DISCLOSURE CITATION</b><br><i>(Use several sheets if necessary)</i> | Docket Number (Optional)<br><b>19134</b>     | Application Number<br><b>10/551,828</b> |
|  | Applicant(s)<br><b>Glen Crofskey, et al.</b> |   |
|  | Filing Date<br><b>September 30, 2005</b>     | Group Art Unit<br><b>Unassigned</b>     |

**U.S. PATENT DOCUMENTS**

| *EXAMINER<br>INITIAL | REF | DOCUMENT NUMBER  | DATE             | NAME                      | CLASS | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|----------------------|-----|------------------|------------------|---------------------------|-------|----------|-------------------------------|
| /N.D./               |     | <b>4,289,789</b> | <b>4/24/2001</b> | <b>Timothy C. Gerrish</b> |       |          |                               |
| /N.D./               |     | <b>4,391,830</b> | <b>7/5/1983</b>  | <b>Gudnason et al.</b>    |       |          |                               |
| /N.D./               |     | <b>4,289,789</b> | <b>9/15/1981</b> | <b>Stanley D. Cajigas</b> |       |          |                               |
|                      |     |                  |                  |                           |       |          |                               |
|                      |     |                  |                  |                           |       |          |                               |

**U.S. PATENT APPLICATION PUBLICATIONS**

| *EXAMINER<br>INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|----------------------|-----|-----------------|------|------|-------|----------|-------------------------------|
|                      |     |                 |      |      |       |          |                               |
|                      |     |                 |      |      |       |          |                               |
|                      |     |                 |      |      |       |          |                               |
|                      |     |                 |      |      |       |          |                               |

**FOREIGN PATENT DOCUMENTS**

| REF    | DOCUMENT NUMBER  | DATE                                      | COUNTRY    | CLASS | SUBCLASS | Translation |    |
|--------|------------------|---|------------|-------|----------|-------------|----|
|        |                  |   |            |       |          | YES         | NO |
| /N.D./ | <b>1 338 210</b> | <del>01/25/2003</del><br><b>9/27/2003</b> | <b>EPO</b> |       |          |             |    |
|        |                  |   |            |       |          |             |    |
|        |                  |   |            |       |          |             |    |
|        |                  |   |            |       |          |             |    |
|        |                  |   |            |       |          |             |    |

**OTHER DOCUMENTS** *(Including Author, Title, Date, Pertinent Pages, Etc.)*

|        |  |
|--------|--|
| /N.D./ | <b>Glahn, P.E. et al., Food Ingredients Europe, Conference Proceeding: 252-256 (1994) "Casein-Pectin Interaction in Sour Milk Beverages"</b> |
| /N.D./ | <b>Rasic, Jeremija L.J., Yoghurt: Scientific Grounds, Technology, Manufacture and Preparations: 293-296 (1978)</b>                           |

|                          |                               |
|--------------------------|-------------------------------|
| EXAMINER    /Nikki Dees/ | DATE CONSIDERED    01/26/2009 |
|--------------------------|-------------------------------|

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.